THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 3224 of 2007

DATE: 04-06-2007

Between :

M/s. Surya Chandra Enterprises,
Rep., byits Chief Executive,
Chintal, Jeedimetla, Hyderabad

… Petitioner

And

The Provident Fund Commissioner,
Hyderabad and another.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 3224 of 2007

ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in determining the provident fund arrears of the petitioner-company without due notice to the petitioner and the alleged coercive steps taken for recovery of the amounts so determined is arbitrary and illegal.

In the counter affidavit filed on behalf of the respondents, it is stated that in the enquiry initiated under Section 7-A of the Employees Provident Fund and Miscellaneous Provision Act, 1952 (for short 'the Act') summons were served on the petitioner from time to time informing the date of enquiry. However, the petitioner failed to appear and consequently an order was passed on

25-10-2000 determining the liability of the petitioner for the period from March 1998 to June, 2000. Similarly, a separate order dated 19-10-2004 was passed determining the liability of the petitioner for the period from June, 2000 to August, 2004.

Even assuming that the said orders were passed without hearing the petitioner, an alternative remedy is available to the petitioner to move an application under sub-section (4) of Section 7-A of the Act to set aside the *ex parte* orders. It is also open to the petitioner to prefer an appeal under Section 7-I of the Act. Without exhausting such efficacious alternative remedies available under the Act, the petitioner cannot maintain this writ petition.

Accordingly, granting leave and liberty to the petitioner to work out the appropriate alternative remedy, the writ petition is disposed of. No costs.

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G. ROHINI, J.

Date:04-06-2007
KLP